

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TERRANCE WILLIAMS,
 Plaintiff

Case No. 3:22-cv-00464-ART-CLB

ORDER

v.

NNCC, et al.,
 Defendants

On October 21, 2022, Plaintiff Terrance Williams, an inmate in the custody of the Nevada Department of Corrections, submitted a Civil Rights Complaint under 42 U.S.C. § 1983 but did not pay the full \$402 filing fee or apply to proceed *in forma pauperis* ("IFP"). (ECF Nos. 1, 1-1). The Court ordered Plaintiff to either pay the required filing fee or file an application to proceed *in forma pauperis* by January 9, 2023. (ECF No. 3). Plaintiff moved to extend that deadline before it expired, arguing he submitted a request for financial documents to prison officials on December 16, 2022, but has not yet received them and expects a delay because the prison is short staffed. (ECF No. 4).

The Court finds good cause exists to grant Plaintiff an extension of time to either pay the filing fee or file a new fully complete IFP application containing all three of the required documents. Alternatively, if Plaintiff is having difficulty obtaining the required financial certificate and inmate account statement for the previous six-month period from prison officials, Plaintiff must complete and file the first three pages of the Court's IFP form together with a declaration detailing the efforts he took to acquire a financial certificate and inmate account statement from prison officials.¹ If Plaintiff chooses to file the first three pages of the IFP application and a declaration, the pages must be from the Court's approved form IFP application and fully completed, and the declaration must detail when Plaintiff requested the financial documents from prison officials, who he

¹ An unsworn declaration is sufficient if is signed and dated by Plaintiff and includes language stating under penalty of perjury under the laws of the United States of America that the statements made in the declaration are true and correct. See 28 U.S.C. § 1746.

1 conferred with about the status of the documents, when that happened, who he followed
2 up with after he did not receive the documents, when that happened, and prison officials'
3 responses to his questions, if any. If Plaintiff's declaration demonstrates that he has done
4 all that was possible to acquire the financial documents from prison officials, the Court
5 will consider his IFP application complete.

6 It is therefore ordered that the Motion for Extension of Time (ECF No. 4) is granted.

7 It is further ordered that **on or before April 14, 2023**, Plaintiff must either:

- 8
- 9 • Pay the full \$402 filing fee for a civil action;
 - 10 • File a new fully complete application to proceed *in forma pauperis* with all three
11 required documents on the Court's approved form; or
 - 12 • Alternatively if Plaintiff is not able to obtain his financial certificate and inmate
13 account statement from prison officials, complete and file the first three pages
14 of the application to proceed *in forma pauperis* for an inmate on the Court's
15 approved form together with a declaration detailing the efforts that he undertook
16 to acquire the required financial documents from prison officials.

17 It is further ordered that the Clerk of the Court will send Plaintiff a courtesy copy of
18 the approved form application to proceed *in forma pauperis* for an inmate and instructions
19 for the same.

20 DATED THIS 15th day of March 2023.

21 

22 UNITED STATES MAGISTRATE JUDGE